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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,098	02/11/2004	Tadaharu Nishimura	2018-845	1565

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
FATEHI, PARHAM R

ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 June 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>2-4,8,9,11 and 12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>2-4, 8-9, 11 and 12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. Claims 1, 5-7 and 10 have been cancelled. Claims 2-4, 8-9 and 11-12 have

been amended. Claims 11 and 12 are new. Applicant has overcome claim

objections cited in Office Action 2/26/2007. Claims 2-4, 8-9 and 11-12 are

pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 2-4, 8-9 and 11-12 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Shan (US 5,875,329) in view of Nishimura (US

2002/0078257).

4. As per claim 2, Shan discloses an inter-task communications method achieved

by execution of a computer, the inter-task communications method where a

transmission request occurs, wherein the transmission request is that a data item

be sent from a processing of a first task (Shan, col. 1, ln 6-11); the inter-task

communications method comprising steps of executing, when the transmission

request occurs, within the processing of the first task, a data queuing so that the

data item is stored in a queue (Shan, col. 1-col.2, processing of the first task,

data queuing).

5. Shan does not explicitly disclose outputting an activation request to an operating

system for requesting activation of the second task; and executing, when the

second task is activated by a processing of the operating system based on the

activation request, a data retrieving within the processing of the second task so

that the data item stored in the queue is retrieved from the queue, from which the

second task can retrieve the data item.

6. Whereas, Nishimura discloses outputting an activation request to an operating

system for requesting activation of the second task; and executing, when the

second task is activated by a processing of the operating system based on the

activation request, a data retrieving within the processing of the second task so

that the data item stored in the queue is retrieved from the queue, from which the

second task can retrieve the data item (see Nishimura, Par. 6 & Par. 14 & Fig. 2,

Task A and Task B); when a transmission request that a given data item be sent

occurs, it is determined whether the queue stores a certain data item that is

being already stored before the given data item is to be stored; wherein, when

the certain data item is being already stored before the given data item is to be

stored, no activation request is then outputted, wherein, when no certain data

item is being already stored before the given data item is to be stored, an

activation request is then outputted, and wherein, within the data retrieving within

the processing of the second task, all data items that can be retrieved from the

queue is retrieved from the queue (see Nishimura, Par. 6, 12 & 14).

7. One having ordinary skill in the art, at the time the invention was made would

have modified the teachings of Shan to include processing of a second task, a

system for requesting activation of the second task, and determining whether the

queue stores certain data that is already being stored, as taught by Nishimura in

order to enable the method and system to efficiently switch among tasks during

execution of a program or operating system.

8. As per claim 3, the teachings of Shan in view of Nishimura substantially disclose

the invention as claimed and further disclose outputting an activation request to

an operating system for requesting activation of the second task; and executing,

when the second task is activated by a processing of the operating system based

on the activation request, a data retrieving within the processing of the second

task so that the data item stored in the queue is retrieved from the queue,

wherein, when a transmission request occurs, it is determined whether a given

activation request for requesting for activating the second task is present in the

operating system, wherein, when the given activation request is present in the

operating system, no given activation request for requesting for activating the

second task is then outputted, wherein, when no given activation request is

present in the operating system, the given activation request for requesting for

activating the second task is then outputted, and wherein, within the data

retrieving within the processing of the second task, all data items that can be

retrieved from the queue is retrieved from the queue (see Nishimura, Pars. 5-6,

12, 14 & Fig. 2).

9. As per claim 4, the teachings of Shan in view of Nishimura substantially disclose

the invention as claimed and further disclose wherein the second task is one of a

plurality of tasks that individually have different priority levels, wherein the queue

is provided for each of the priority levels, wherein the operating system includes

task specifying information that specifies a task, wherein an activation request for

activating the task specified by the specifying information is already outputted to

the operating system and activating the task specified by the specifying

information is yet to] be executed, and wherein the operating system activates, in

a descending order of the priority levels, the tasks specified by the task

specifying information (see Nishimura, Par. 5, priority levels).

10. As per claim 8, the teachings of Shan in view of Nishimura substantially disclose

the invention as claimed and further disclose the computer program product

comprising instructions of." executing, when the transmission request occurs,

within the processing of the first task, a data queuing so that the data item is

stored in a queue from which the second task can retrieve the data item;

outputting an activation request to an operating system for requesting for

activation of the second task; and executing, when the second task is activated

by a processing of the operating system based on the activation request, a data

retrieving within the processing of the second task so that the data item stored in

the queue is retrieved from the queue, wherein, when a transmission request that

a given data item be sent occurs, it is determined whether the queue stores a

certain data item that is being already stored before the given data item is to be

stored, wherein, when the certain data item is being already stored before the

given data item is to be stored, no activation request is then outputted, wherein,

when no certain data item is being already stored before the given data item is to

be stored, an activation request is then outputted, and wherein, within the data

retrieving within the processing of the second task, all data items that can be

retrieved from the queue is retrieved from the queue (see Nishimura, Pars. 5-6,

12, 14 & Fig. 2).

11. As per claim 9 and 11, they are apparatus claims with the same limitations as the

methods in claims 2-4 and 8 and are rejected under the same reasons as claims

2-4, and 8 above.

12. As per claim 12, it is a system claim with the same limitations as claims 9 and 11

is rejected under the same reasons as claims 9 and 11 above.

Response to Arguments

13. Applicant's arguments have been considered but are moot in view of the new

ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

16. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Parham (Paul) R. Fatehi whose telephone

number is 571-270-1407. The examiner can normally be reached on M-Th 9:30AM-8PM EST, off Fridays.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571)272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Fatehi
AU 2194

09/17/2007

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER